

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM SCHAPPELL,)	
)	2:05-cv-00219-GEB-PAN
Plaintiff,)	
)	<u>ORDER TO SHOW CAUSE</u>
v.)	<u>AND CONTINUING STATUS</u>
)	<u>(PRETRIAL SCHEDULING)</u>
PANTHEON HOLDINGS, INC.,)	<u>CONFERENCE</u>
)	
Defendant.)	
_____)	

The September 7, 2005, Order continued the status conference in this case to December 12, 2005, and required Plaintiff to file a status report no later than November 28, 2005, in which Plaintiff was only required to explain the status of the default issue. No status report was filed as ordered.

Plaintiff is Ordered to Show Cause (OSC) no later than 4:00 p.m. on February 7, 2006, why sanctions should not be imposed under Rule 16(f) of the Federal Rules of Civil Procedure against counsel and/or Plaintiff for the failure to file a timely status report, as ordered. The written response shall state whether Plaintiff or his

1 counsel is at fault and whether a hearing is requested on the OSC.¹
2 If a hearing is requested, it will be held on February 21, 2006, at
3 9:00 a.m., just prior to the status conference, which is rescheduled
4 to that date. In accordance with the requirements set forth in the
5 September 7 Order, Plaintiff shall file a joint status report no later
6 than February 7, 2006, in which Plaintiff is only required to explain
7 the status of the default issue.

8 IT IS SO ORDERED.

9 DATED: December 5, 2005

10 /s/ Garland E. Burrell, Jr.
11 GARLAND E. BURRELL, JR.
12 United States District Judge
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27 ¹ "If the fault lies with the attorney, that is where the
28 impact of sanction should be lodged. If the fault lies with the
clients, that is where the impact of the sanction should be
lodged." Matter of Sanction of Baker, 744 F.2d 1438, 1442 (10th
Cir. 1984), cert. denied, 471 U.S. 1014 (1985). Sometimes the
faults of attorneys, and their consequences, are visited upon
clients. In re Hill, 775 F.2d 1385, 1387 (9th Cir. 1985).